

REMARKS

The applicants have studied the Office Action dated March 11, 2004, and have made amendments to the claims. It is submitted that the application, as amended, is in condition for allowance. By virtue of this amendment, claims 7-8 have been canceled without prejudice or disclaimer, and claims 1, 5-6, 10-11, 15, and 33 have been amended; thus, claims 1-6, 9-16, and 32-40 are pending. Consideration and allowance of all the pending claims in view of the above amendments and the following remarks are respectfully requested.

It is noted with appreciation by the applicants that claims 5-6, 10-11, 15, and 33 have been indicated as being allowable if rewritten in independent form to include the limitations of the base claim and any intervening claims. These claims have been rewritten into such independent form. Accordingly, it is respectfully submitted that claims 5-6, 10-11, 15, and 33 are now in condition for allowance.

Claims 1-4, 7-9, 12-14, 16, 32, and 34-40 were rejected under 35 U.S.C. § 102(b) as being anticipated by Franetzki et al. With respect to claims 7-8, these claims have been canceled without prejudice or disclaimer; thus, this rejection is now moot. With respect to claims 1-4, 9, 12-14, 16, 32, and 34-40, this rejection is respectfully traversed.

Embodiments of the present invention are directed to an external infusion device for infusing a fluid into a body of a user. The infusion device includes a housing that has an opening. The infusion device also includes a reservoir in the housing that contains the fluid, a drive system that forces the fluid from the reservoir, at least one power supply that provides power to actuate the drive system, and one or more electrical elements coupled to the power supply and the drive system that regulate the rate at which the drive system forces the fluid from the reservoir. The infusion device further includes a tab that is insertable into the opening in the housing and contains at least one of the one or more electrical elements. After the tab is inserted into the opening in the housing, the tab is contained in the housing.

Independent claim 1, and claims 2-4, 9, 12-14, 16, 32, and 34-40 depending therefrom, recite an external infusion device for infusing a fluid into a body of a user including: “a housing that includes an opening,” and “a tab that is insertable into the opening in the housing,” and wherein the tab contains at least one of the one or more electrical elements, and wherein after the tab is inserted into the opening in the housing, the tab is contained in the housing” (emphasis added). The Franetzki et al. reference fails to disclose, teach, or suggest an external infusion device that includes a housing and a tab insertable into an opening in the housing such that, after the tab is inserted into the opening in the housing, the tab is contained in the housing, as recited in the claims.

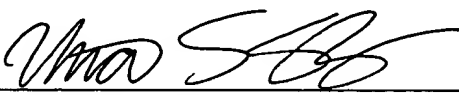
The Franetzki et al. reference is directed to a system for the pre-programmable infusion of liquids into the body of a patient. Referring to Fig. 1, the infusion system includes an external programming device I, a control device II, and a microdosing unit III. The programming and control devices I and II may be detachably connected to the microdosing unit III for the purpose of transferring a pre-programmed daily infusion profile to the microdosing unit III. The control device II and microdosing unit III may then remain connected, and the control device II may control the microdosing unit III to infuse a liquid into the patient according to the pre-programmed daily infusion profile. On page 3 of the Office Action, the Examiner asserted that the programming device I and/or control device II are a tab as in the claimed invention. However, the programming and control devices I and II, neither individually nor collectively, are contained in the housing of the microdosing unit III after connection of the programming and control devices I and II to the microdosing unit III. By contrast, in the claimed embodiments of the present invention, after the tab is inserted into an opening in the housing of the infusion device, the tab is contained in the housing. Thus, the Franetzki et al. reference fails to disclose, teach, or suggest an external infusion device that includes a housing and a tab insertable into an opening in the housing such that, after the tab is inserted into the opening in the housing, the tab is contained in the housing, as recited in claims 1-4, 9, 12-14, 16, 32, and 34-40. Accordingly, withdrawal of the rejection of these claims under 35 U.S.C. § 102(b) is respectfully requested.

In view of the foregoing, it is respectfully submitted that the application and all the pending claims are in condition for allowance. Examination and consideration of the application, as amended, are requested.

If, for any reason, the Examiner finds that the application is other than in condition for allowance and believes that a telephone interview would advance the prosecution of the application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,

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By: 
Vivian S. Shin
Reg. No. 43,919

MEDTRONIC MINIMED, INC.
18000 Devonshire Street
Northridge, CA 91325
Telephone: (818) 576-5291
Facsimile: (818) 576-6202